IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SALEEM BUTLER, : CIVIL ACTION

Petitioner,

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v. : NO. 2:11-cv-2355-JD

JEROME WALSH, THE DISTRICT
ATTORNEY OF THE COUNTY OF
DELAWARE, and THE ATTORNEY
GENERAL OF THE STATE OF
PENNSYLVANIA

:

Defendants.

ORDER

AND NOW, this 1st day of March, 2012, upon consideration of pro se petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Document No. 1, filed April 4, 2011), respondents' Response to Petition for Writ of Habeas Corpus (Document No. 7, filed June 9, 2011), and petitioner's First Traverse in Rebuttal to Respondent's Answer in Habeas Corpus Action (Document No. 11, filed October 26, 2011); and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (Document No. 9, filed October 25, 2011), and petitioner's Objections to Magistrate's Report and Recommendation—Nunc Pro Tunc (Document No. 12, filed November 28, 2011), for the reasons set forth in the Memorandum dated March 1, 2012, IT IS ORDERED that petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is REMANDED to United States Magistrate Judge Lynne A. Sitarski for submission of a supplemental report and recommendation containing an analysis of (1) whether any of

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petitioner's claims are procedurally defaulted, (2) the merits of any of petitioner's claims that are not procedurally defaulted, and (3) any other issues deemed appropriate.

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.